IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 84 of 2004

GIRJA SHANKER
V/S
SADARU

Mr. NS RAJPUROHIT for Mr. SG OJHA, for the appellant

Mr. ASLAM NAUSHAD for Mr. MANISH SHISHODIA, for the respondent

Date of Order : 5.10.2006

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant. Perused the impugned judgments and the record.

The learned lower Appellate Court has discussed the evidence of the parties threadbare, and has appreciated them, and has come to the conclusion that the plaintiff requires the suit premises reasonably and bonafidely. Thereafter, considering the dimension of the land, being east-west 81 ft, and north-south 26 ft, and also considering the fact, that the defendant has erected a shed for undertaking his repair works towards the west of the land, has granted decree for partial eviction by decreeing the suit for eviction from eastern half portion of the land only.

In my view, from the material on record, it is clear that even after eviction, pursuant to the impugned

decree, the defendant will be retaining approximately double the land, as compared by the one, which is actually used by him in the moment. In that view of the matter, I do not find any error in the findings recorded by the learned Court below, rather the impugned decree is eminently just and proper.

The appeal thus, does not involve any substantial question of law. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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